IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 7595 of 2004

1. Shivaji Naganath Ankushrao
and others ..Petitioners

vs.

1. State of Maharashtra & Ors. ..Respondents

Shri R.K.Mendadkar for petitioners
Shri C.R.Sonawane, A.G.P. for respondents.

CORAM: A.P.SHAH &
S.U.KAMDAR JJ.
22nd September, 2004

P.C.

1. Rule. Respondents waive service.

2. By consent rule is made returnable forthwith.

3. The petitioners' claim to belong to Mahadev Koli Scheduled Tribe. The petitioners have been issued caste certificate by Tahsildar and Executive Officer, North Solapur. The petitioners were admitted in the first year D.Ed.course in 2000-2001 under reserved category of scheduled tribe. The petitioners have cleared the first year D.Ed.course and they have also appeared for 2nd and final year D.Ed.course in 2003. The results of the petitioners were, however, not declared and statements of marks are also not issued on the ground of non submission of caste validity

certificate. The learned A.G.P. fairly conceded that the case of the petitioners is covered by the decision of the Division Bench in Writ Petition No.4596 of 2002 (Marunali Subhashs Zunzar and others Vs. The State of Maharashtra and ors decided on 25th September, 2002). In light of the said decision of Division Bench, we direct the respondents to declare the result of the petitioners and release their marklists and diploma certificates if the petitioners are declared passed in the examination as also release the documents, if any, withheld by the college.

4. The petitioners shall get their caste certificates verified from the Competent Authority before they claim any benefit on the basis of their caste. It is needless to say that in case the caste claim of the petitioners is invalidated by the Scrutiny Committee then the petitioners shall not be entitled to claim any benefit on that count in future.

5. Rule is made absolute in terms of the order mentioned above. No order as to costs.